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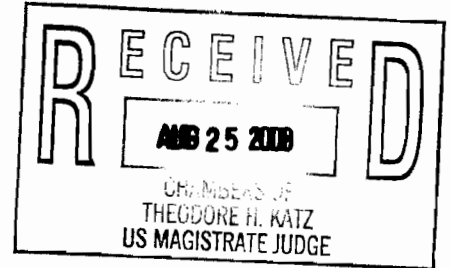
ROBERT T. JOHNSON
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August 18, 2008

The Honorable Theodore H. Katz
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312



Re: Terel Overton v. LaClair
07 Civ. 4599 (LAP) (THK)

Dear Magistrate Judge Katz:

I was recently assigned to respond to the above-referenced state prisoner's federal habeas corpus petition. The matter is on this Court's calendar for the People's response on September 12, 2008. I write to request a sixty-day extension to respond. Since I did not handle his State direct appeal, it will take me some time to read the transcripts and papers filed below, and familiarize myself with this case before I can frame an adequate response to petitioner's application. The file's length, the case's complexity, and my other assignments, including a N.Y.C.P.L. Article 440 motion, a response to a Writ of Error Coram Nobis, responses to five direct appeals in the Appellate Division, First Department, and a response to a direct appeal in the Appellate Term result in this request for an extension to November 11, 2008; this represents my first extension request.

Thank you very much for your consideration in this matter.

Sincerely,

Dana Levin
Assistant District Attorney

cc: Terel Overton
DIN #: 03-A-2498
Great Meadow Correctional Facility
P.O. Box 5
Comstock, New York 12535

SO ORDERED

THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE
ATE JUDGE

*The response to the Petition
shall be filed by November 12, 2008.
Any reply shall be filed by
November 25, 2008.*

8/26/08